

REMARKS

Claims 17-20 are pending in the application. Claims 17-20 are amended. No new matter has been added. In view of the foregoing amendments and following remarks, Applicants respectfully request allowance of the Application.

REJECTION UNDER 35 U.S.C. § 112

Claims 17-20 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Office Action alleges that there is no antecedent basis in the original Specification for “operated in a first condition and a second condition” as claimed. Claims 17-20 are amended to recite “operated in a first servo condition and a second servo condition by the position control means and recording condition control means.”

Regarding claim 17, support for the amendment may be found, for example, in Fig. 7 and corresponding descriptions. Paragraph [0037] of the original Specification states: “In the test-write recording mode, as represented by the on-track optical spot 702, the optical spot is (on-track) controlled so as to scan the center of each track. In FIG. 7, each of the arrows denotes the scanning direction and center position of the optical spot. Then, in a test-write evaluation mode, after reproduction is performed in the same servo condition as in the test-write recording mode so that the optical spot scans the center of the track $n+1$ or $n-1$, *the servo condition is changed*. That is, as represented by the de-track optical spot 704, scanning is performed by application of tracking displacement in a downward direction in FIG. 7 with reference to the center of the track $n+1$ (de-track).” Accordingly, Fig. 7 shows an “on-track optical spot 702” and an arrow on the spot 702’s right side, which correspond to “a first servo condition.” Further, Fig. 7 shows “a de-track optical spot 704” and an arrow on the spot 704’s right side, which correspond to “a second servo condition.” The servo conditions may be controlled by, for example, the actuator 115 and servo control circuit 121 of Figure 1. Therefore, the amended claim 17 is supported by the original Specification and Drawings.

Regarding claim 18, support for the amendment may be found, for example, in Fig. 3 and corresponding descriptions. Paragraph [0034] of the original Specification states: “In a test-write recording mode, the optical spot is controlled to scan the center of each track as represented by an on-track optical spot 301. In FIG. 3, each of the arrows denotes the scanning direction and center position of the optical spot. Then, in a test-write evaluation mode, after

reproduction is performed in the same servo condition as in the test-write recording mode so that the optical spot scans the center of the track, *the servo condition is changed*. That is, as represented by a reverse-track optical spot 304, tracking control is performed in reversed polarity so that intertrack reproduction is performed (reverse-track)." Accordingly, Fig. 3 shows an "on-track optical spot 301" and an arrow on the spot 301's right side, which correspond to "a first servo condition." Further, Fig. 3 shows "a reverse-track optical spot 304" and an arrow on the spot 304's right side, which correspond to "a second servo condition." The servo conditions may be controlled by, for example, the actuator 115 and servo control circuit 121 of Figure 1. Therefore, the amended claim 18 is supported by the original Specification and Drawings.

Regarding claim 19, support for the amendment may be found, for example, in Fig. 10 and corresponding descriptions. Paragraph [0039] of the original Specification states: "In the test-write recording mode, the optical spot is (on-track) controlled to scan the center of each track as represented by the on-track optical spot 1003. In FIG. 10, each of the arrows denotes the scanning direction and center position of the optical spot. Then, in a test-write evaluation mode, after reproduction is performed in the same *servo condition* as in the test-write recording mode so that the optical spot scans the center of the track, (off-track) reproduction is performed while tracking control is stopped so that the optical spot performs scanning across tracks." Accordingly, Fig. 10 shows an "on-track optical spot 1003" and an arrow on the spot 1003's right side, which correspond to "a first servo condition." Further, Fig. 10 shows "an off-track optical spot 1002" and an oblique arrow on the spot 1002's right side, which correspond to "a second servo condition." The servo conditions may be controlled by, for example, the actuator 115 and servo control circuit 121 of Figure 1. Therefore, the amended claim 19 is supported by the original Specification and Drawings.

Regarding claim 20, support for the amendment may be found, for example, in Fig. 10 and corresponding descriptions. Paragraph [0039] of the original Specification states: "In the test-write recording mode, the optical spot is (*on-track*) controlled to scan the center of each track as represented by the on-track optical spot 1003. In FIG. 10, each of the arrows denotes the scanning direction and center position of the optical spot. ...Although the case of off-track reproduction is shown now, vibration control may be performed so that the optical spot makes a *reciprocating motion* across tracks in a direction perpendicular to the track in addition to scanning (main scanning) in the tracking direction.." Accordingly, Fig. 10 shows an "on-track

optical spot 1003” and an arrow on the spot 1003’s right side, which correspond to “a first servo condition.” Further, Fig. 10 shows “an off-track optical spot 1002” and an oblique arrow on the spot 1002’s right side, which correspond to “a second servo condition.” The servo conditions may be controlled by, for example, the actuator 115 and servo control circuit 121 of Figure 1. Therefore, the amended claim 20 is supported by the original Specification and Drawings.

ALLOWABLE SUBJECT MATTER

The Office Action indicates claims 17-20 would be allowable if re-written to overcome the rejections under 35 U.S.C. § 112, first paragraph. The Applicants thank the Examiner.

As discussed above, amended claims 17-20 are supported by the original Specification and Drawings. Allowance of claims 17-20 is respectfully requested.

CONCLUSION

Applicant respectfully submits that the present application is now in condition for allowance. The Examiner is invited to contact Applicant's representative to discuss any issue that would expedite allowance of this application.

The Commissioner is authorized to charge all required fees, fees under § 1.17, or all required extension of time fees, or to credit any overpayment to Deposit Account No. 11-0600 (Kenyon & Kenyon LLP).

Respectfully submitted,

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